

MESSAGE NO: 9258204

MESSAGE DATE: 09/15/2009

MESSAGE STATUS: Active

CATEGORY: Countervailing

TYPE: PRE-Preliminary PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-552-805

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 09/04/2009 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF PRELIMINARY DETERMINATION AND ALIGNMENT CVD/ ADD
DETERMINATION OF POLYETHYLENE RETAIL CARRIER BAGS FROM VIETNAM (C-552-
805); EXCEPT CASH DEP C-552-805-001

MESSAGE NO: 9258204

DATE: 09 15 2009

CATEGORY: CVD

TYPE: PRE

REFERENCE:

REFERENCE DATE:

CASES: C - 552 - 805

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PERIOD COVERED: 09 04 2009 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF PRELIMINARY DETERMINATION AND ALIGNMENT CVD/
ADD DETERMINATION OF POLYETHYLENE RETAIL CARRIER BAGS
FROM VIETNAM (C-552-805); EXCEPT CASH DEP C-552-805-001

1. ON 09/04/2009, THE DEPARTMENT OF COMMERCE (COMMERCE)
PUBLISHED IN THE FEDERAL REGISTER ITS PRELIMINARY AFFIRMATIVE
DETERMINATION AND ALIGNMENT OF ITS FINAL COUNTERVAILING DUTY
DETERMINATION OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE
SOCIALIST REPUBLIC OF VIETNAM UNTIL NO LATER THAN JANUARY 11,
2010, THEREBY ALIGNING IT WITH THE DUE DATE FOR THE FINAL
DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF
POLYETHYLENE RETAIL CARRIER BAGS FROM THE SOCIALIST REPUBLIC OF

VIETNAM (74 FR 45811, 09/04/2009).

2. THE SCOPE OF THIS INVESTIGATION COVERS POLYETHYLENE RETAIL CARRIER BAGS (PRCBS), WHICH ALSO MAY BE REFERRED TO AS T-SHIRT SACKS, MERCHANDISE BAGS, GROCERY BAGS, OR CHECKOUT BAGS. THE SUBJECT MERCHANDISE IS DEFINED AS NON-SEALABLE SACKS AND BAGS WITH HANDLES (INCLUDING DRAWSTRINGS), WITHOUT ZIPPERS OR INTEGRAL EXTRUDED CLOSURES, WITH OR WITHOUT GUSSETS, WITH OR WITHOUT PRINTING, OF POLYETHYLENE FILM HAVING A THICKNESS NO GREATER THAN 0.035 INCH (0.889 MM) AND NO LESS THAN 0.00035 INCH (0.00889 MM), AND WITH NO LENGTH OR WIDTH SHORTER THAN 6 INCHES (15.24 CM) OR LONGER THAN 40 INCHES (101.6 CM). THE DEPTH OF THE BAG MAY BE SHORTER THAN 6 INCHES BUT NOT LONGER THAN 40 INCHES (101.6 CM).

PRCBS ARE TYPICALLY PROVIDED WITHOUT ANY CONSUMER PACKAGING AND FREE OF CHARGE BY RETAIL ESTABLISHMENTS, E.G., GROCERY, DRUG, CONVENIENCE, DEPARTMENT, SPECIALTY RETAIL, DISCOUNT STORES, AND RESTAURANTS TO THEIR CUSTOMERS TO PACKAGE AND CARRY THEIR PURCHASED PRODUCTS.

THE SCOPE OF THIS INVESTIGATION EXCLUDES:

(1) POLYETHYLENE BAGS THAT ARE NOT PRINTED WITH LOGOS OR STORE NAMES AND THAT ARE CLOSEABLE WITH DRAWSTRINGS MADE OF POLYETHYLENE FILM AND (2) POLYETHYLENE BAGS THAT ARE PACKED IN CONSUMER PACKAGING WITH PRINTING THAT REFERS TO SPECIFIC END-USES OTHER THAN PACKAGING AND CARRYING MERCHANDISE FROM RETAIL ESTABLISHMENTS, E.G., GARBAGE BAGS, LAWN BAGS, TRASH-CAN LINERS.

IMPORTS OF MERCHANDISE INCLUDED WITHIN THE SCOPE OF THIS INVESTIGATION ARE CURRENTLY CLASSIFIABLE UNDER STATISTICAL CATEGORY 3923.21.0085 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). THIS SUBHEADING MAY ALSO COVER PRODUCTS THAT ARE OUTSIDE THE SCOPE OF THIS INVESTIGATION. FURTHERMORE, ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS

INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER C-552-805.

4. NO SUSPENSION OF LIQUIDATION IS REQUIRED AT THIS TIME FOR IMPORTS OF POLYETHYLENE RETAIL CARRIER BAGS PRODUCED AND EXPORTED BY ADVANCE POLYBAG CO., LTD., CASE NUMBER C-552-805-001.

5. FOR OTHER IMPORTS OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE SOCIALIST REPUBLIC OF VIETNAM, CBP SHALL SUSPEND LIQUIDATION OF SUCH IMPORTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER 09/04/2009. EFFECTIVE 09/04/2009, CBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE SUBSIDY RATES SHOWN BELOW:

PRODUCED AND/OR EXPORTED BY: CHIN SHENG COMPANY, LTD.

CASE NUMBER: C-552-805-002

SUBSIDY RATE: 1.69 PERCENT AD VALOREM

PRODUCED AND/OR EXPORTED BY: FOTAI VIETNAM ENTERPRISE CORP.

CASE NUMBER: C-552-805-003

SUBSIDY RATE: 4.24 PERCENT AD VALOREM

ALL OTHERS

CASE NUMBER: C-552-805-000

SUBSIDY RATE: 2.97 PERCENT AD VALOREM

6. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, CUSTOMS OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING

OR COUNTERVAILING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CUSTOMS OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC

IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O6:GC).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party